

HEARING DATE AND TIME: MARCH 15, 2011 at 10:00 a.m.

JIL MAZER-MARINO, Chapter 7 Trustee
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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In Re:

Chapter 7

JUANITA STRASSFIELD

Case No. 11-24269 (RDD)

Debtor.

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TRUSTEE'S JOINDER TO DEBTOR'S OBJECTION TO MOTION TO VACATE STAY

TO THE HONORABLE ROBERT D. DRAIN,
UNITED STATES BANKRUPTCY JUDGE:

Jil Mazer-Marino, the chapter 7 trustee (the “**Trustee**”) for the above-captioned debtor (the “**Debtor**”), as and for her joinder to the Debtor’s *Objection to Motion to Vacate Automatic Stay by Wells Fargo Bank, NA, and Request for Accounting and Conditional Motion for Damages and Fees*, dated March 5, 2012 [Dkt. No. 13] (the “**Objection**”), filed in response to the *Motion to Vacate the Automatic Stay*, dated January 24, 2012 [Dkt. No. 9] (the “**Motion**”) filed by Wells Fargo Bank N.A. (the “**Movant**”), respectfully represents as follows:

1. The Objection raises valid questions as to whether Wells Fargo Bank N.A. has standing to seek relief from the automatic stay and to foreclose on the property known as 11 Shipley Drive, Cortlandt Manor, New York. Specifically, the Objection raises doubts as to whether Wells Fargo Bank, N.A. is in possession of the original note and whether the assignment of the mortgage and promissory note to Wells Fargo Bank, N.A. is fraudulent.

2. The Motion is supported solely by an attorney affirmation and not by the Movant. Although the affirmation asserts that Wells Fargo Bank N.A. is the owner and holder of the mortgage note, the affiant does not purport to have personal knowledge of that fact or any of the facts alleged in the affirmation. Therefore, the Movant has not established an evidentiary basis for the relief requested in the Motion.

3. At a minimum, the Motion should be adjourned until Wells Fargo Bank N.A. has provided the Trustee and the Debtor with access to the original collateral file (including the original mortgage note) and an opportunity to investigate whether the Movant has standing to foreclose.

WHEREFORE, the Trustee requests this Court deny the relief requested in the Motion.

Dated: Garden City, New York
March 12, 2012

/s/ Jil Mazer-Marino
Jil Mazer-Marino, Chapter 7 Trustee